

### **REMARKS**

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

#### **Allowable Subject Matter**

Applicant gratefully acknowledges the indication, at page 1 of the Office Action, that the subject matters of Claims 1-25 are free of the prior art.

#### **Objections to the Drawings**

At page 2 of the Office Action, the drawings were objected to under 37 C.F.R. § 1.84 and M.P.E.P. § 608.02(g) because Fig. 1 is not labeled "Prior Art", and the specification allegedly does not include certain reference numerals used in the drawings. Applicant respectfully requests reconsideration of these objections.

Applicant files concurrently herewith a Replacement Sheet including Fig. 1, now labeled "Prior Art". Approval of the Replacement Sheet is respectfully requested.

Concerning the use of reference numerals 21 and 25, while Applicant notes that they are listed at page 12 of the Specification in the "List of Designations" section thereof, Applicant has inserted them into the Specification, as requested in the Office Action, by way of the foregoing amendments.

For at least the foregoing reasons, Applicant respectfully submits that the drawings fully comply with 37 C.F.R. § 1.84, and therefore respectfully requests withdrawal of the objection thereto.

#### **Objection to the Claims**

At page 3 of the Office Action, Claims 4 and 10 were objected to because they use the phrase "or both", and a suggestion was made concerning Claim 22. Applicant respectfully requests reconsideration of this objection.

M.P.E.P. § 2173.05(h), Alternative Limitations, states in part:

## II. "OR" TERMINOLOGY

Alternative expressions using "or" are acceptable, such as "wherein R is A, B, C, or D." The following phrases were each held to be acceptable and not in violation of 35 U.S.C. 112, second paragraph in *In re Gaubert*, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975): "made entirely or in part of"; "at least one piece"; and "iron, steel or any other magnetic material."

Applicant's use in Claims 4 and 10 of the general format 'A, B, or C', in which 'C' is 'both A and B', is therefore expressly permitted by M.P.E.P. § 2173.05(h). Withdrawal of the objection is therefore respectfully requested.

Concerning Claim 22, Applicant has generally adopted the revised wording kindly suggested by the patent examiner, while noting that the change is merely editorial and does not relate to the patentability of the claim.

For at least the foregoing reasons, Applicant respectfully submits that Claims 4, 10, and 22 are not objectionable, and therefore respectfully requests withdrawal of the objection thereto.


## Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the patent examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, they are invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By:   
Adam J. Cermak  
Registration No. 40,391

**U.S. P.T.O. Customer Number 36844**  
Cermak & Kenealy LLP  
P.O. Box 7518  
Alexandria, Virginia 22307

703.768.0994 (v)  
703.652.5101 (f)

Date: 9 March 2005